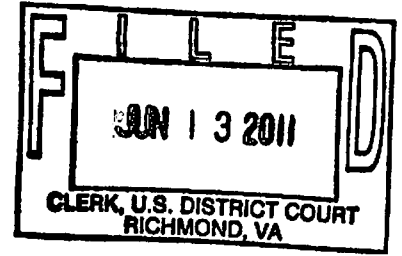


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



**MATTHEW B. WHITAKER,**

**Plaintiff,**

**v.**

**Civil Action No.:** 3:11cv380

**WELLS FARGO ADVISORS, LLC,**

**Defendant.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, defendant Wells Fargo Advisors, LLC ("Wells Fargo"), by counsel, files this Notice of Removal of the civil action styled *Matthew B. Whitaker v. Wells Fargo Advisors, LLC*, Case No. CL11-2440 (the "Action"), from the Circuit Court of the City of Richmond, Virginia (the "State Court") to the United States District Court for the Eastern District of Virginia, Richmond Division. In support of this Notice of Removal, Wells Fargo states as follows:

**Introduction.**

1. On May 20, 2011, Plaintiff initiated the Action by filing a Complaint against Wells Fargo in the State Court.
2. Process was served on Wells Fargo on May 23, 2011. Accordingly, this Notice is filed within thirty days of Wells Fargo's receipt of a copy of the initial pleading. Further, less than one year has passed since the Action was commenced. Therefore, this Notice is filed within the requisite deadlines set forth in 28 U.S.C. § 1446(b).
3. Because the Action is pending in the City of Richmond, Virginia, 28 U.S.C. § 1441(a) and Local Civil Rule 3(B)(4) require that the Action be removed to this Court.
4. Copies of all pleadings filed in the State Court are attached hereto as Exhibit A.

**Diversity Jurisdiction**

5. Under 28 U.S.C. § 1332(a), “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of different States.”

6. Plaintiff seeks compensatory damages in the amount of \$500,000.00. (*See* Ex. A, Compl. at p. 7.) Therefore, the matter in controversy in the Action exceeds the sum or value of \$75,000, exclusive of interest and costs.

7. Additionally, Wells Fargo is a citizen of Delaware, Missouri and Minnesota. Wells Fargo is a Delaware limited liability company with its principle place of business in St. Louis, Missouri. Wells Fargo’s member is Wachovia Securities Financial Holdings, LLC, which is a Delaware limited liability company with its principle place of business in Missouri. Wachovia Securities Financial Holdings, LLC’s members are Everen Capital Corporation (“Everen”) and Wells Fargo Investment Group, Inc. (“WF Investment”). Everen is a Missouri corporation with its principle place of business in Missouri. WF Investment is a Delaware corporation with its principle place of business in Minnesota.

8. According to the Complaint, Plaintiff is a citizen of Virginia. (*See* Ex. A, Compl. at ¶ 3.) Therefore, the Action is between citizens of different States.

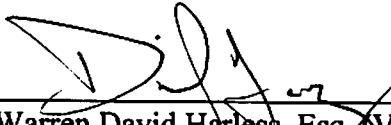
9. This Court has original jurisdiction over the Action under 28 U.S.C. § 1332(a) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States. As a result, the Action may be removed to this Court pursuant to 28 U.S.C. § 1441.

Date: June 13, 2011.

Respectfully submitted,

WELLS FARGO ADVISORS, LLC

By Counsel



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**CERTIFICATE OF SERVICE**

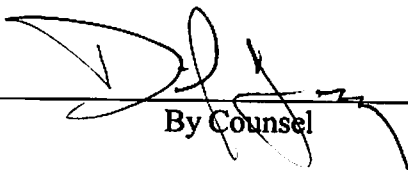
I hereby certify that a true copy of the foregoing was sent on this 13th day of June, 2011,  
to the following:

*By First Class Mail:*

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Vickey A. Verwey (VSB No. 20267)  
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*By Hand Delivery:*

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400 North Ninth Street  
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Richmond, Virginia 23219  
Tel.: (804) 646-6505  
Fax: (804) 646-6562



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By Counsel

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